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CAPTION REMOVED BY S/S (EK) ON 11/18/94

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DEPARTMENT OF STATE

BRIEFING PAPER

RELEASED IN PART

DECL: OADR

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B1,

CHINESE PRISONS AND FORCED LABOR

- o China has four basic types of penal institutions: prisons (long-term felons), labor reform camps (most felons), detention centers (pretrial suspects and those serving less than one year), and reeducation camps (a form of nonjudicial punishment lasting one to three years). There are also juvenile, military, and other smaller systems.
- o The scope of China's prison system is the subject of lively debate, as is the number of political prisoners.
 - Chinese officials claim there are about 1.1 million inmates in prisons and reform camps, 100-150,000 in reeducation camps. Detention centers process about 700,000 people a year, and we estimate they contain at least half a million at any given time.
 - Before 1978, most convicts were forced to stay at the camps after their sentences expired; most were allowed to return home between 1978 and 1982. Chinese officials say only a few hundred sociopaths a year are now forced to remain, but thousands more do so because they cannot get jobs in their home towns.
 - One alumnus of the system, working from what we consider outdated data and unjustifiable assumptions, claims 4-6 million in prisons and reform camps, 3-5 million in reeducation, and 8-10 million ex-convicts forced to remain at the camps. His figures have become conventional wisdom for critics of China.
- o China denies that it has political prisoners, but officials have acknowledged that a few tenths of one percent of those in prisons and reform camps -- a few thousand total -- were convicted on "counterrevolutionary" charges.
 - This both overstates the number of political prisoners ("counterrevolutionary" crimes include espionage, sabotage and terrorism) and understates it (some dissidents and underground clerics have been convicted on trumped-up or tangential criminal charges).
 - Critics claim the real figure is in the millions. We have no evidence to substantiate that claim.
- o Inmates of all penal institutions except detention centers are required to work. Most products are used in prisons or sold on the domestic market, but some are exported.
 - In recent years we learned that one brand of tea and grapes for a Sino-French winery came from reform camps.

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- o The Smoot-Hawley Tariff Act of 1930 contains a general ban on import of prison products, but exempts those not produced in the U.S. in sufficient quantity to meet demand. Customs has ruled that voluntary paid labor by prisoners does not disqualify a product.
 - The law has been applied sparingly: we know of only eight cases in which imports have actually been prohibited, most from Mexico. No formal complaint has ever been brought against Chinese products.
 - Senator Helms has proposed legislation to ban all prison products and make it easier to file complaints.
- o The magnitude of prison exports is unclear. Critics charge they constitute a significant percentage of China's \$15 billion exports to the U.S.
 - We have been cooperating with Customs for over a year in developing better information on prison exports, and have uncovered evidence of a few million dollars' worth, mostly cheap footwear.
- o Chinese officials have consistently maintained that they do not authorize exports of prison products, and that no such products are exported to the U.S.
- o But the human rights organization Asia Watch has obtained and published apparently genuine articles from the March 1989 and May 1990 issues of the Chinese prison system's internal journal describing export strategies and case studies of successful sales to Japan, Germany and the U.S.
 - The articles prove that at least until mid-1990, the export of prison products to the U.S. was officially condoned and encouraged. Together with our evidence of exports in late 1990, they constitute a prima facie case that such exports are still authorized.

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CHINESE PRISONS AND FORCED LABOR

- o China has four basic types of penal institutions: prisons (long-term felons), labor reform camps (most felons), detention centers (pretrial suspects and those serving less than one year), and reeducation camps (a form of nonjudicial punishment lasting one to three years). There are also juvenile, military, and other smaller systems.
- o The scope of China's prison system is the subject of lively debate, as is the number of political prisoners.
 - Chinese officials claim there are about 1.1 million inmates in prisons and reform camps, 100-150,000 in reeducation camps. Detention centers process about 700,000 people a year, and we estimate they contain at least half a million at any given time.
 - Before 1978, most convicts were forced to stay at the camps after their sentences expired; most were allowed to return home between 1978 and 1982. Chinese officials say only a few hundred sociopaths a year are now forced to remain, but thousands more do so because they cannot get jobs in their home towns.
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- o China denies that it has political prisoners, but officials have acknowledged that a few tenths of one percent of those in prisons and reform camps -- a few thousand total -- were convicted on "counterrevolutionary" charges.
 - This both overstates the number of political prisoners ("counterrevolutionary" crimes include espionage, sabotage and terrorism) and understates it (some dissidents and underground clerics have been convicted on trumped-up or tangential criminal charges).
 - Critics claim the real figure is in the millions. We have no evidence to substantiate that claim.
- o Inmates of all penal institutions except detention centers are required to work. Most products are used in prisons or sold on the domestic market, but some are exported.
 - In recent years we learned that one brand of tea and grapes for a Sino-French winery came from reform camps.

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- o The Smoot-Hawley Tariff Act of 1930 contains a general ban on import of prison products, but exempts those not produced in the U.S. in sufficient quantity to meet demand. Customs has ruled that voluntary paid labor by prisoners does not disqualify a product.
 - The law has been applied sparingly: we know of only eight cases in which imports have actually been prohibited, most from Mexico. No formal complaint has ever been brought against Chinese products.
 - Senator Helms has proposed legislation to ban all prison products and make it easier to file complaints.
- o The magnitude of prison exports is unclear. Critics charge they constitute a significant percentage of China's \$15 billion exports to the U.S.
 - We have been cooperating with Customs for over a year in developing better information on prison exports, and have uncovered evidence of a few million dollars' worth, mostly cheap footwear.
- o Chinese officials have consistently maintained that they do not authorize exports of prison products, and that no such products are exported to the U.S.
- o But the human rights organization Asia Watch has obtained and published apparently genuine articles from the March 1989 and May 1990 issues of the Chinese prison sytem's internal journal describing export strategies and case studies of successful sales to Japan, Germany and the U.S.
 - The articles prove that at least until mid-1990, the export of prison products to the U.S. was officially condoned and encouraged. Together with our evidence of exports in late 1990, they constitute a prima facie case that such exports are still authorized.

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